

**REMARKS**

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

**Status of the Claims**

Claims 1-19 are pending. Claims 1, 12 and 14 have been amended. No new matter has been added.

**Rejection Under 35 U.S.C. § 103**

Claims 1-4, 6-11, 14-16 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,973,481 to Thompson et al. ("Thompson") in view of U.S. Patent No. 6,311,105 to Budike, Jr. ("Budike"). Claims 5, 12-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson and Budike in view of U.S. Patent No. 6,589,682 to Fleckner et al. ("Fleckner").

The Examiner has not given any patentable weight to the claim feature of "said management center billing each of said . . . operating service fee." The Examiner contends that such language is directed to method steps, and the present claims are directed to systems. Accordingly, Applicants have amended independent claims 1, 12 and 14 to positively recite "an Internet virtual financial institution that supports transactions that bill an electricity supply service" (Claims 1 and 12), and "the billing means including an Internet virtual financial institution" (Claim 14). Support for this amendment can be found in the Specification, at page

14, lines 11-18. Amended independent claims 1, 12 and 14 recite structure, and all features should be given patentable weight.

The Examiner contends that Thompson discloses most of the features recited in claims 1-4, 6-11, 14-16 and 18-19. However, the Examiner acknowledges that Thompson does not disclose the electricity provider using the Internet for billing and payment of the electricity service. The Examiner cites Budike as disclosing a multi-utility energy control system and method, wherein a controlled wireless network is provided, including the Internet, for purchasing electricity in a real time environment. The Examiner cites Fleckner as disclosing conveying data related to the functional status of fuel cells over a wireless communication network. The Examiner also acknowledges that Thompson and Budike do not “specifically teach billing a consumer maintenance and operating service fee[s].” (Detailed Action, page 5.)

The Examiner fails to provide a reference for his contention that it would have been obvious to “include billing a consumer maintenance and operating service fee, because a business needs fund to operate.” (Detailed Action, pages 4 and 5.) Rather the Examiner relies on personal knowledge in formulating this rejection. While a business needs funds to operate, the combinations of Thompson and Budike, and Thompson, Budike, and Fleckner neither disclose, nor suggest, all the features of the claims. In particular, the Examiner fails to cite a reference which discloses “an Internet virtual financial institution that supports transactions that bill an electricity supply service,” as recited in claim 1; and similarly recited in independent claims 12 and 14. Accordingly, Applicants respectfully request that the Examiner supports this personal

knowledge with affidavits containing data as specific as possible pursuant to 37 C.F.R. §1.104(d)(2). In accordance with § 1.104(d)(2), Applicants are permitted to contradict or explain such affidavits with affidavits of the Applicants or other persons. Applicants submit that without supporting evidence, the Examiner has impermissibly relied on personal knowledge and, thus, has not established a *prima facie* case of obviousness.

Claims 2-4 and 6-11 depend from claim 1, and Applicants submit that claims 2-4 and 6-11 are patentable over Thompson and Budike for at least the same reasons as claim 1 as discussed above. Claims 15-16 and 18-19 depend from claim 14, and Applicants submit that claims 15-16 and 18-19 are patentable over Thompson and Budike for at least the same reasons as claim 14 as discussed above. Therefore, Applicants request withdrawal and reconsideration of the rejection.

Claim 5 depends from claim 1 and, thus, recites all the features of its base claim. Therefore, Applicants submit that claim 5 is patentable over the combination of Thompson, Budike, and Fleckner for at least the same reasons as claim 1. Similarly, claim 17 depends from claim 14 and Applicants submit that claim 17 is patentable for at least the same reasons as claim 14. Claim 13 depends from claim 12, and Applicants submit that claim 13 is patentable for at least the same reasons as claim 12. Additionally, Applicants submit that claims 12 and 13 are patentable over the combination of Thompson, Budike, and Fleckner for at least the same reasons discussed above.

Reconsideration and withdrawal of these rejections is requested.

CONCLUSION

Each and every point raised in the Office Action dated February 17, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-19 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

Richard J. Katz

Registration No.: 47,698

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-7701 (Fax)

Attorneys/Agents For Applicant